

**Notice of Allowability**

Application No.

10/619,008

Examiner

Konata M. George

Applicant(s)

ANDOLINO BRANDT ET AL.

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 13, 2005.
2. ☒ The allowed claim(s) is/are 1,4,5,9,11,15 and 18-23.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

SHELLEY A. DODSON  
PRIMARY EXAMINER

### **DETAILED ACTION**

Claims 1, 4, 5, 9, 11, 15 and 18-23 are pending in this application.

#### ***Disposition of Office Action Dated December 1, 2005***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Action Summary***

2. Examiner acknowledges the cancellation of claims 2, 3, 6, 7, 10, 12, 14, 16 and 17. Therefore, any and all rejections and/or objections directed towards them are hereby withdrawn.
3. Examiner acknowledges the addition of claims 20-23.
4. The rejection of claims 1, 4, 5, 9, 11, 18 and 19 under 35 U.S.C. 112, second paragraph as being indefinite is hereby withdrawn as applicant defined what is meant by an "effective amount".
5. The rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by Burghart is hereby withdrawn as applicant has amended the claim to recite the tacky component comprising a (meth)acrylate polymer.

#### ***Statement of Reasons for Allowance***

6. The following is an examiner's statement of reasons for allowance:

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The claims are allowable over the cited prior art because the prior art does not teach, disclose nor make obvious a fluid composition suitable for in situ forming and adhering onto a surface comprising a tacky component, a non-tacky component and a volatile solvent, wherein the tacky component comprises a pressure sensitive adhesive comprising a (meth)acrylate polymer and wherein the tacky and non-tacky component are incompatible and undergoes phase separation. The closest prior art discloses a composition comprising a butyl ester of a polymethacrylic acid, a vinylpyrrolidone-vinylacetate copolymer and ethanol. While the composition is almost the same the difference of having a (meth)acrylate polymer (of the instant application) versus a butyl ester of a polymethacrylic acid (of the prior art) would not be an obvious modification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. Claims 1, 4, 5, 9, 11, 15 and 18-23 are allowed.

### ***Telephone Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Konata M. George, whose telephone number is

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(571) 272-0613. The examiner can normally be reached from 8AM to 6:30PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, can be reached at (571) 272-0887. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Konata M. George



SHELLEY A. DODSON  
PRIMARY EXAMINER